

03-CV-02819-NTC

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

003-2819P

MARGUERITE ABDULLAH,

Plaintiff,

v.

CITY OF SEATTLE, a Washington
municipal corporation; THE SEATTLE
POLICE DEPARTMENT, a department of
the City of Seattle; B.M. HUNT and J.
WILLIAMS, in their individual capacity,

Defendants.

No.

King County Superior Court
Cause No.: 03-2-27483-6SEA

**NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C.
§1441(b)
(FEDERAL QUESTION)**

TO: THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF
WASHINGTON AT SEATTLE

Defendant City of Seattle hereby gives notice that it is removing this case to the
United States District Court for the Western District of Washington on the grounds set
forth below.

1. On June 5, 2003, the above-entitled action was filed by plaintiff against
defendants City of Seattle, Seattle Police Department, Officer B.M. Hunt and Officer J.
Williams in King County Superior Court and thereafter was given cause number 03-2-
27483-6SEA. The matter was assigned to The Honorable Mary Yu. See Exhibit A

**NOTICE OF REMOVAL
OF ACTION TO FEDERAL COURT - 1**

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STAFFORD FREY COOPER

Professional Corporation
ATTORNEYS
3100 TWO UNION SQUARE
601 UNION STREET
SEATTLE, WASHINGTON 98101-1374
TEL (206) 623-9900
FAX (206) 624-6885

1 attached to the Verification of State Court Records. A copy of the Order Setting Civil
2 Case Schedule issued by the King County Superior Court Clerk on June 5, 2003, is
3 attached as Exhibit B.

4 2. On August 29, 2003, defendants City of Seattle and Seattle Police
5 Department were served with a copy of plaintiff's Summons and Complaint for
6 Damages. See Exhibit C and Exhibit D attached to the Verification of State Court
7 Records.

8 3. On September 5, 2003, counsel for defendants filed a Notice of
9 Appearance on behalf of defendant City of Seattle with the Superior Court, which is
10 attached as Exhibit E to the Verification of State Court Records.

11 4. On September 12, 2003, counsel for defendants filed a Notice of
12 Appearance on behalf of defendant Seattle Police Department, which is attached as
13 Exhibit F to the Verification of State Court Records.

14 5. Plaintiff has erroneously named Seattle Police Department as a defendant
15 in this action. Seattle Police Department is a division of the City of Seattle and not a
16 proper party to this action.

17 6. Counsel for defendants have not received verification that defendants B.
18 M. Hunt and J. Williams, Seattle Police Department officers, have been served,
19 however, the undersigned attorneys represent defendants Hunt and Williams.
20 Defendants Hunt and Williams join in this removal (without waiving insufficiency of
21 service or process of service).

22 7. There have been no further proceedings in this action.

23 8. Under the express terms of the complaint, plaintiff alleges a claim for civil
rights violations under 42 U.S.C. § 1983.

9. The claim for a violation of 42 U.S.C. § 1983 arise under and are
controlled by the laws and the Constitution of the United States and therefore fall within

NOTICE OF REMOVAL
OF ACTION TO FEDERAL COURT - 2

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1 the original jurisdiction of the United States District Court. See 28 U.S.C. §§ 1331,
2 1343, & 1441(b). The entire case may be removed to the United States District Court
3 for determination of all issues. See 28 U.S.C. § 1441(c).

4 10. Defendant City of Seattle has filed this Notice of Removal within thirty
5 days after receipt, through service or otherwise, of a copy of plaintiff's Complaint. See
6 28 U.S.C. § 1446(b).

7 11. This Court is the district court of the United States for the district and
8 division embracing the place where the state court action is currently pending. See 28
9 U.S.C. § 1441(a).

10 WHEREFORE, defendants hereby give notice that the civil action in King County
11 Superior Court of the State of Washington has been removed from that Court to the
12 United States District Court for the Western District of Washington.

13 DATED this 15 day of September, 2003 at Seattle, Washington.

14 **STAFFORD FREY COOPER**
15 Professional Corporation

16 By 

17 Stephen P. Larson, WSBA #4959
18 Blake E. Dias, WSBA #28169
19 Attorneys for Defendants
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NOTICE OF REMOVAL
OF ACTION TO FEDERAL COURT - 3

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The Honorable Mary Yu

SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY

MARGUERITE ABDULLAH,

Plaintiff,

v.

CITY OF SEATTLE, a Washington
municipal corporation; THE SEATTLE
POLICE DEPARTMENT, a department of
the City of Seattle; B.M. HUNT, and J.
WILLIAMS, in their individual capacity,

Defendants.

No. 03-2-27483-6 SEA

**NOTICE TO SUPERIOR COURT
OF FEDERAL COURT
REMOVAL**

TO: Clerk of the Superior Court of Washington for King County;

AND TO: MARGUERITE ABDULLAH, Plaintiff;

AND TO: MICHAEL L. JOHNSON, Hardman & Johnson, Attorneys for Plaintiff;

Please take notice that on the 15th day of September, 2003, defendants filed with
the United States District Court for the Western District of Washington at Seattle a

**NOTICE TO SUPERIOR COURT OF
FEDERAL COURT REMOVAL - 1**

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1 *Notice of Removal* of the action brought in the Superior Court of Washington for King
2 County, Cause No. 03-2-27483-6SEA.

3 A true and correct copy of the defendants' Notice of Removal is attached hereto.

4 DATED this 15 day of September, 2003 at Seattle, Washington.

5
6 **STAFFORD FREY COOPER**
Professional Corporation

7
8 By 

9 Stephen P. Larson, WSBA #4959
10 Blake E. Dias, WSBA #21869
11 Attorneys for Defendants
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NOTICE TO SUPERIOR COURT OF
FEDERAL COURT REMOVAL - 2

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